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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9878

CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BETWEEN THE TERMINAL RAILROAD ASSOCIATION OF ST. LOUIS AND CERTAIN OF ITS EMPLOYEES

WHEREAS a dispute exists between the Terminal Railroad Association of St. Louis, a carrier, and certain of its employees represented by the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employes, a labor organization; and

WHEREAS this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce within the state of Missouri, to a degree such as to deprive that portion of the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U. S. C. 160), I hereby create a board of three members, to be appointed by me, to investigate said dispute. No member of the said board shall be pecuniarily or otherwise interested in any organization of railway employees or any carrier.

The board shall report its findings to the President with respect to the said dispute within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the Terminal Railroad Association of St. Louis or its employees in the conditions out of which the said dispute arose.

HARRY S. TRUMAN

THE WHITE HOUSE,
July 31, 1947.

[F. R. Doc. 47-7297; Filed, July 31, 1947; 11:53 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 927—MILK IN NEW YORK METROPOLITAN MARKETING AREA

MISCELLANEOUS AMENDMENTS

§ 927.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure covering the formulation of marketing agreements and orders (7 CFR, Supps. 900.1 et seq., 11 F. R. 7737, 12 F. R. 1159, 12 F. R. 4904), public hearings were held upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area; and the decision (12 F. R. 4413) was made with respect to amendments by the Secretary on June 30, 1947. Upon the basis of the evidence introduced at such hearings and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest, and

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FEDERAL REGISTER

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(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

(b) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order, as amended) of more than 50 percent of the volume of milk covered by the aforesaid order, as amended and as hereby further amended, which is marketed within the New York metropolitan milk marketing area, refused or failed to sign the marketing agreement regulating the handling of milk in the said marketing area which was heretofore approved by the Secretary of Agriculture (12 F. R. 4413, 4418); and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order further amending the said order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk

which is produced for sale in the said marketing area; and

(3) The issuance of this order further amending the said order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of the order, and who, during April 1947 (said month having been determined to be a representative period), were engaged in the production of milk for sale in the said marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the first day of September 1947, the handling of milk in the New York Metropolitan milk marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Amend § 927.2 (d) (10) to read:

(10) The market administrator, shall from time to time, cause inspections to be made of the buildings, facilities and surroundings of the plant and shall notify handlers of his determination as to what constitutes the plant and its equipment. If any handler makes written request for such determination, the market administrator shall promptly notify such handler of his determination: *Provided*, That if the request is for a revised determination or for affirmation of a previous determination, the handler shall set forth in his request the changed conditions which he believes make a new determination necessary. Such determination shall be ruling for all purposes hereunder, and any revision in the determination of which handlers have been notified shall be effective not earlier than the date of notice to handlers of such revised determination.

2. Amend § 927.3 (a) (3) (ii) by adding the words "or for shipment of approved skim milk from such plant" at the end of the proviso contained therein so that the proviso will read: "*Provided*, That approval by a health authority of the plant as a source of milk for the marketing area shall constitute sufficient evidence that this requirement is being met even though such approval is restricted to prohibit shipment to the marketing area of milk for specified periods during which permission is given by such health authority for receiving unapproved milk or skim milk at the plant or for shipment of approved skim milk from such plant; and"

3. Amend § 927.3 (b) by changing the first proviso therein to read "*Provided*, That for the months of April, May, or June no plant at which milk was received from dairy farmers during the preceding period of October, November, and December shall be a pool plant on this basis, unless at least 60 percent of such milk was classified in Class I–A, and either directly, or through other plants, was sold or distributed in or shipped to the marketing area in the form of milk."

and by adding at the end of § 927.3 (b) the following sentence: "At the time of announcing the uniform price for each month, the Market Administrator shall make public the location, and name of the operator, of any plant for which a report of receipts from dairy farmers was used, pursuant to this paragraph, in the computation of that uniform price."

4. Amend § 927.4 (a) (2) by changing the proviso contained therein to read: "*Provided*, That the holding of milk in the form of cream in a licensed cold storage warehouse for at least 7 days shall constitute that portion of the handling of such cream required pursuant to § 927.4 (c) (5) that is required to be performed during the month following its receipt from dairy farmers."

5. Amend § 927.4 (b) by deleting the two provisos contained therein and substituting the following: "*Provided*, That at any time upon a determination by the Secretary that an emergency exists which requires the immediate adoption of rules and regulations, the Market Administrator may issue, with the approval of the Secretary, temporary rules and regulations without regard to the following procedure: *Provided, further*, That if any interested person makes written request for the issuance, amendment, or repeal of any rule, the Market Administrator shall within 30 days either issue notice of meeting pursuant to subparagraph (1) of this paragraph or deny such request, and except in affirming a prior denial, or where the denial is self-explanatory, shall state the grounds for such denial."

6. Amend § 927.4 (c) (3) to read:

(3) Class I–C milk shall be all milk which leaves a plant as milk, or cultured or flavored milk drinks containing 3.0 percent butterfat or more, and which is ultimately distributed in an area not regulated by an order of the Secretary.

7. Amend § 927.4 (c) (5) to read as follows:

(5) Class II–B milk shall be all milk, except as set forth in subparagraphs (7), (8), and (9) of this paragraph, the butterfat from which leaves or is on hand at a plant in the form of plain condensed milk, frozen desserts or homogenized mixtures; or which leaves or is on hand at a plant in the form of cream which is subsequently held in a licensed cold storage warehouse for at least 28 days, and which is subject at all times to being inspected by a representative of the Market Administrator to determine the physical presence of the cream. After the first 7 days such cream may be moved from one licensed cold storage warehouse to another: *Provided*, That the Market Administrator receives notice of such removal within 7 days thereafter. Any handler whose report claimed the original classification of milk in this class shall be liable under the provisions of § 927.9 (e) for the difference between the Class II–B and Class II–A prices for the month in which the II–B classification was claimed on any such milk, if the storage of the cream does not comply with all the requirements of this subparagraph.

8. Amend § 927.5 (a) (1) by deleting that portion of such subparagraph preceding the table contained therein and by substituting therefor the following:

(1) Except as provided in subdivisions (i), (ii), and (iii) of this subparagraph, for Class I–A milk the price per hundredweight during each month shall be as set forth in the following tables:

and by adding after the table contained therein the following three subdivisions:

(i) The Class I–A price for any of the months of March through June of each year shall not be higher than the Class I–A price for the immediately preceding month, and the Class I–A price for any of the months of September through December of each year shall not be lower than the Class I–A price for the immediately preceding month.

(ii) The Class I–A price shall not be less than $4.58 per hundredweight for the month of August 1947, and shall not be less than $5.02 per hundredweight for each of the months of September through December 1947.

(iii) The Class I–A price for January 1948 shall not be less than the December 1947 Class I–A price minus 44 cents, and the Class I–A price for February 1948 shall not be less than the January 1948 Class I–A price minus 44 cents.

9. Amend § 927.8 (a) by adding at the end thereof the following: "*Provided*, That if a handler claims that he cannot make the required payment because the producer is deceased or cannot be located, or because the cooperative association or its lawful successor or assignee is no longer in existence, such payment shall be made to the producer-settlement fund, and in the event that a lawful claim is later established, the Market Administrator shall make such payment from the producer-settlement fund: *Provided, further*, That, if not later than the date when such payment is required to be made, legal proceedings have been instituted by the handler for the purpose of administrative or judicial review of the Market Administrator's finding upon verification as provided above, such payment shall be made to the producer-settlement fund and shall be held in reserve until such time as the above-mentioned proceedings have been completed, or until the handler submits proof to the Market Administrator that the required payment has been made to the producer or association of producers, in which latter event the payment shall be refunded to the handler."

10. Amend § 927.9 (g) by deleting therefrom the words "and was used in Classes II–D, II–E, or II–F during the months of July to March, inclusive, or in Class IV–A during the months of January to March, inclusive" and by substituting therefor the words: "and was assigned, in accordance with the provisions of the rules and regulations issued by the Market Administrator pursuant to § 927.4 (b) hereof, to Classes II–D, II–E, or II–F during the months of July to March, inclusive, or to Class IV–A during the months of January to March inclusive."

(48 Stat. 31, 670, 675, 49 Stat. 730, 50 Stat. 246; 7 U. S. C., 601 et seq.: Sec. 102 Reorg. Plan 1 of 1947: 12 F. R. 4534)

Issued at Washington, D. C., this 29th day of July 1947, to be effective on and after the 1st day of September 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-7230; Filed, July 31, 1947; 8:49 a. m.]

PART 901—HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

ORDER AMENDING ORDER AS AMENDED

Correction

In F. R. Doc. No. 47-7139, appearing at page 5033 for the issue of Wednesday, July 30, 1947, the following change is made in the first column on page 5035: In the last line of the second paragraph of § 901.7 (a) the word "thereof" should read "hereof."

TITLE 10—ARMY: WAR DEPARTMENT

Chapter V—Military Reservations and National Cemeteries

PART 501—LIST OF EXECUTIVE ORDERS, PROCLAMATIONS AND PUBLIC LAND ORDERS AFFECTING MILITARY RESERVATIONS

ARIZONA AND OREGON

CROSS REFERENCE: For revocation of Public Land Orders 383 and 385, which affect the tabulation in § 501.1, see Title 43, *infra*. The revoked public land orders withdrew lands for the use of the War Department in Arizona for a gunnery range and in Oregon for a camp site.

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Veterans' Preference Reg., as Amended July 31, 1947]

PART 813—VETERANS' PREFERENCE REGULATION UNDER HOUSING AND RENT ACT OF 1947

Par.

(a) What this section does.

DEFINITIONS

(b) Definitions.

PREFERENCE PERIODS

(c) Veterans' preference in sale of housing accommodations.
(d) Veterans' preference in renting of housing accommodations.

PUBLIC OFFERING

(e) Public offering in good faith.

MISCELLANEOUS

(f) Violations and enforcement.
(g) Exceptions.
(h) Appeals.

§ 813.1 *Veterans' Preference Regulation*—(a) *What this section does.* This section (Veterans' Preference Regulation) explains the preference given to veterans and their families by the Housing and Rent Act of 1947 in the sale or rent of housing accommodations completed between June 30, 1947 and March 1, 1948. Among other things, it determines the manner in which such housing accommodations shall be publicly offered in good faith for sale or rent to veterans and their families.

The veterans' preference requirements for housing accommodations completed on or before June 30, 1947, continue as provided in Priorities Regulation 33, Housing Expediter Priorities Regulation 5 and the Housing Permit Regulation, whichever is applicable. (Those regulations also contain other requirements which continue in effect for housing accommodations authorized under them.)

NOTE: This section of the Code of Federal Regulations, § 813.1, is called the "Veterans' Preference Regulation." When the term "this section" is used in this Veterans' Preference Regulation, it means this entire regulation and not just a part of it. The regulation is divided into paragraphs marked with small letters; these are divided into subparagraphs marked with numbers.

DEFINITIONS

(b) *Definitions.* As used in this section:

(1) The terms "veterans of World War II or their families," "veterans or their families," and "veterans" shall mean:

(i) A person who has served in the active military or naval forces of the United States on or after September 16, 1940, and who has been discharged or released therefrom under conditions other than dishonorable:

(ii) The spouse of a veteran (as described in the preceding subparagraph) who died after being discharged or released from service, if the spouse is living with a child or children of the deceased veteran;

(iii) A person who is serving in the active military or naval forces of the United States requiring housing accommodations for his dependent family;

(iv) The spouse of a person who served in the active military or naval forces of the United States on or after September 16, 1940, and who died in service, if the spouse is living with a child or children of the deceased;

(v) A citizen of the United States who served in the armed forces of an allied nation during World War II (and who has been discharged or released therefrom under conditions other than dishonorable) requiring housing accommodations for his dependent family;

(vi) A person to whom the War Shipping Administration has issued a certificate of continuous service in the United States Merchant Marine who requires housing accommodations for his dependent family; and

(vii) A citizen of the United States who, as a civilian, was interned or held a prisoner of war by an enemy nation at any time during World War II, requiring housing accommodations for his dependent family.

(2) The term "person" shall include an individual, corporation, partnership, association, or any other organized group of persons, or a legal successor or representative of any of the foregoing.

(3) The time at which construction of housing accommodations shall be deemed to be "completed" shall be the date on which the dwelling is first suitable for occupancy and all utility and service connections have been made, except for the installation of such items and the completion of such decoration work as, in accordance with the custom of the community, are left for installation by, or to the choice of, the purchaser or the tenant.

(4) The term "housing accommodations" shall include any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property sold or offered for sale or rented or offered for rent for living or dwelling purposes (including houses, apartments, hotels, rooming or boarding house accommodations, and other properties used for living or dwelling purposes) together with all privileges, services, furnishings, furniture, and facilities connected with the use or occupancy of such property.

(5) The term "housing accommodations designed for occupancy by other than transients" shall not include housing accommodations which

(i) in the particular community involved are customarily rented for a term of occupancy of less than one month, or

(ii) are rented and usable only on a seasonal basis.

PREFERENCE PERIODS

(c) *Veterans' preference in sale of housing accommodations.* In order to assure preference or priority to veterans of World War II or their families in the sale of housing accommodations designed for a single family residence, the construction of which is completed after June 30, 1947, and prior to March 1, 1948, the following rules must be observed:

(1) *30-day veterans' preference period after construction.* No person shall sell, offer to sell, or otherwise dispose of such housing accommodations until 30 days after construction is completed, except for occupancy by veterans or their families.

No person shall purchase such housing accommodations until 30 days after construction is completed, unless such purchase is made in good faith for occupancy, during the time that this section remains in effect, by veterans or their families.

(2) *7-day offer at a price in first and subsequent sales.* No person shall sell, offer for sale, or otherwise dispose of such housing accommodations to a non-veteran at a price less than the price at which the accommodations have been publicly offered for at least 7 days exclusively to veterans or their families. No non-veteran shall purchase such housing accommodations at a price less than the price at which the accommodations have been publicly offered for at least 7 days exclusively to veterans or their families.

This prohibits a sale or an offer to sell to, or a purchase by, a non-veteran

unless the housing accommodations were first publicly offered for sale by the seller or his agent exclusively to veterans or their families for 7 days at the same price (or a lower price) than sold or offered for sale to a non-veteran. Any reduction in price (whether in the first or subsequent sale, and whether during or after the 30-day preference period provided in subparagraph (1) of this paragraph) requires a public offering exclusively to veterans for at least 7 days at the reduced price.

This subparagraph (2) applies to all sales, offers to sell, and purchases whether made by the first or subsequent owner or purchaser.

(d) *Veterans' preference in renting of housing accommodations.* In order to assure preference or priority to veterans of World War II or their families in the renting of housing accommodations designed for occupancy by other than transients, the construction of which is completed after June 30, 1947, and prior to March 1, 1948, the following rules must be observed:

(1) *30-day veterans' preference period after construction.* No person shall rent, offer for rent, or otherwise dispose of such housing accommodations until 30 days after construction is completed, except for occupancy by veterans or their families.

No person shall acquire such housing accommodations by rent until 30 days after construction is completed, unless such acquisition by rent is made in good faith for occupancy, during the time that this section remains in effect, by veterans or their families.

(2) *7-day offer at a price in first and subsequent sales.* No person shall rent, offer for rent, or otherwise dispose of such housing accommodations to a non-veteran at a price less than the price at which the accommodations have been publicly offered for at least 7 days exclusively to veterans or their families. No non-veteran shall acquire such housing accommodations by rent at a price less than the price at which the accommodations have been publicly offered for at least 7 days exclusively to veterans or their families.

This prohibits a renting or offer to rent to, or an acquisition by rent by, a non-veteran unless the housing accommodations were first publicly offered for rent by the landlord or his agent exclusively to veterans or their families for 7 days at the same price (or a lower price) than rented or offered for rent to the non-veteran. Any reduction in price (whether during or after the 30-day veterans' preference period provided in subparagraph (1) of this paragraph) requires a public offering exclusively to veterans for 7 days at the reduced price.

This subparagraph (2) applies to all rents, offers to rent, and acquisitions by rent whether made by the first or subsequent landlord or tenant.

PUBLIC OFFERING

(e) *Public offering in good faith.* In order to assure preference or priority to veterans of World War II or their families, all housing accommodations covered by paragraph (c) and (d) of this section which are intended for sale or rent, must, until sold or rented, be publicly offered in good faith, as provided in this section, exclusively for sale or rent for occupancy by veterans or their families:

(1) *Period during which offer must be made in first sale or rent.* Such public offering in good faith must be made exclusively to veterans and their families during the following periods:

(i) During construction and for not less than 30 days immediately following completion of construction, and

(ii) For not less than 7 days after any later reduction in offering price.

(2) *Period during which offer must be made in subsequent sales or rents.* In any subsequent sale or rent occurring more than 30 days after completion of construction, such public offering in good faith must be made exclusively to veterans and their families for the following periods:

(i) For not less than 7 days at the offering price selected by the seller or landlord, and

(ii) For not less than 7 days after any later reduction in offering price.

(3) *Must give veterans reasonable opportunity.* To make a public offering in good faith, the owner must take such affirmative steps as, under the circumstances, will give notice to all veterans or a reasonably large class of veterans in the community that the accommodations are available and will give them a reasonable opportunity to negotiate for them. These affirmative steps include at least those steps which are customary in the community for making a public offering of housing accommodations. The refusal of the owner to sell or rent to a particular veteran for personal reasons, which are in accordance with local law and customary real estate practices in the community, does not by itself necessarily constitute a violation of this public offering requirement. If, however, the owner refuses to sell or rent to veterans whom he does not know to be unqualified or unable to purchase or rent, and then sells or rents to a non-veteran, the owner has violated this section.

(4) *Posting of placards or signs.* A placard or sign must be posted in front of each housing structure, or in a conspicuous location on the site of the construction of the housing accommodations during the public offering periods described in subparagraphs (1) and (2) of this paragraph. Such placard or sign must legibly contain the rent or sales price, the fact that the housing accommodations are offered for sale or rent exclusively to veterans or their families for the prescribed period, and the name and address of the person authorized to sell or rent the housing accommodations. If the rent or sales price is reduced after the placard or sign is posted, the price on the placard or sign must be changed accordingly.

(5) *Newspaper advertisement.* Unless already sold or rented to veterans, all such housing accommodations must be publicly advertised by newspaper exclusively to veterans or their families on at least 3 days during the first 20 days of the preference period described in subparagraph (1) (i) of this paragraph, and on at least 2 days during the preference period described in subparagraph (2) (i) of this paragraph. This advertisement shall be in a newspaper of general circulation in the community where the housing accommodations are located. The advertisement shall contain the same information as required for placards and signs in subparagraph (4) of this paragraph. When a newspaper advertisement has already been made as provided in this subparagraph (5), it is not necessary to advertise again in a newspaper during any 7-day public offering period required by subparagraph (1) (ii) or (2) (ii) of this paragraph, unless newspaper advertising is the customary method in the community of making a public offering of housing accommodations.

MISCELLANEOUS

(f) *Violations and enforcement*—(1) *General.* The veterans' preference requirements of this section shall not be evaded either directly or indirectly. It shall be unlawful for any person to effect, either as principal, broker, or agent, a sale or rent or an agreement for the sale or rent, or to solicit or attempt, offer or agree to make such sale or rent, of any housing accommodations in violation of the veterans' preference requirements of this section. It shall also be unlawful for any such person to sell or rent or agree to sell or rent such housing accommodations during the veterans' preference periods if he knows or has reason to know that the housing accommodations will not be occupied by veterans or their families, and for any purchaser or tenant to effect or agree to effect a sale or rent for the purpose of evading the veterans' preference requirements of this section.

(2) *Penalties.* Any person who wilfully violates any provision of this section or section 4 of the Housing and Rent Act of 1947, and any person who knowingly makes any statement to any department or agency of the United States, false in any material respect, shall upon conviction thereof be subject to fine or imprisonment, or both. Any such person or any other person who violates any provision of this section may be prohibited or restrained as authorized by law.

(g) *Exceptions.* The veterans' preference requirements set forth in this section are not applicable to:

(1) Housing accommodations which are built to replace a dwelling destroyed or damaged by fire, flood, tornado, or other similar disaster;

(2) Sales of housing accommodations in the course of judicial or statutory proceedings in connection with foreclosures;

(3) The occupancy by an owner, or his building service employee, of a dwelling unit which does not exceed in floor space (i) a normal one family unit in the structure or project, or (ii) 15 percent of the residential floor space of the structure or project.

(4) Sales of any housing accommodations to any person for investment purposes rather than for occupancy by the purchaser; but the purchaser of such housing accommodations is bound by the veterans' preference requirements in this section in renting or selling for occupancy.

(5) The occupancy of housing accommodations operated by a non-profit or public educational institution for the use of its students or teachers, provided that among eligible applicants for such accommodations at any particular time preference shall be given to veterans.

(h) *Appeals.* Any person who considers that compliance with any provision of this section would result in a hardship on him may appeal for relief. The appeal shall be in the form of a letter in duplicate and filed with the local office of the Federal Housing Administration (except that appeals by educational institutions or public organizations should be filed with the local regional office of the Federal Public Housing Authority). The appeal must state clearly the specific provision of the section appealed from and describe fully the hardship which will result from compliance with this section.

(P. L. 129, 80th Cong.)

Issued this 31st day of July 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-7298; Filed, July 31, 1947; 11:44 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter B—Bureau of the Public Debt

[6th Rev. Dept. Circ. 530, 1947 Amdt. 1]

PART 315—REGULATIONS GOVERNING SAVINGS BONDS

MISCELLANEOUS AMENDMENTS

JULY 25, 1947.

Pursuant to section 22 (a) of the Second Liberty Bond Act as amended (55 Stat. 7, 31 U. S. C. and Sup. 757c), which authorizes the Secretary of the Treasury to issue United States Savings Bonds "in such manner and subject to such terms and conditions * * * including any restrictions on their transfer, as the Secretary of the Treasury may from time to time prescribe," § 315.14 of Subpart D, § 315.23 of Subpart H, Subpart N, and § 315.50 of Subpart O of Department Circular No. 530, Sixth Revision, dated February 13, 1945 (31 C. F. R. 1945 Supp., 315), are hereby revised to read as follows:

§ 315.14 *Evidence necessary.* To establish the valadity of judicial proceedings there must be submitted a certified copy of a final judgment or decree of court and of any necessary supplementary proceedings. If the judgment or decree of court was rendered more than six months prior to presentation of the bond there must also be submitted a certificate from the clerk of the court, under the court's seal and dated within six months of the presentation of the bond, showing that the judgment or decree is in full force and effect. A trustee in bankruptcy should submit proof of his authority in the form of a certificate from the referee showing that he is the duly elected and qualified trustee, together with a certificate from the clerk of the United States District Court of the particular district, under seal, showing the incumbency of the referee and authenticating his signature.

§ 315.23 *Redemption before maturity.* Pursuant to its terms, a savings bond may not be called for redemption by the Secretary of the Treasury prior to maturity, but may be redeemed in whole or in part at the option of the owner, prior to maturity, under the terms and conditions set forth in the offering circular of each series and in accordance with the provisions of these regulations in this part following presentation and surrender as provided in this subpart.

(a) *Series A, B, C, D and E.* A bond of series A, B, C, D or E will be redeemed in whole or in part at any time after 60 days from the issue date without advance notice, at the appropriate redemption value as shown in the table printed on the bonds.

(b) *Series F and G.* A bond of Series F or G will be redeemed in whole or in part, on or after six months from the issue date, at the appropriate redemption value as shown in the table printed on the bond, on one month's notice in writing to the Treasury Department, Division of Loans and Currency, Merchandise Mart, Chicago 54, Illinois, or a Federal Reserve Bank. Such notice may be given separately or by presenting and surrendering the bond with a duly executed request for payment thereof. Payment will be made as of the first day of the first month following by at least one full calendar month the date of receipt of notice. For example, if the notice is received on June 1, payment will be made as of July 1, but if notice is received between June 2 and July 1, inclusive, payment will be made as of August 1. If notice is given separately, the bond must be presented and surrendered with a duly executed request for payment to the same agency to which the notice is given not less than twenty days before the date on which payment is to be made. For example, if the notice is received on June 15, the bond should be received not later than July 12. (See § 315.21 for provisions as to interest in case current income bonds are redeemed prior to maturity.)

(c) *Series G; redemption at par before maturity.* A bond of Series G (but not of Series F) will be redeemed at par before maturity in whole or in part, in amounts corresponding with authorized denominations, not less than six months from the issue date, (1) upon the death of an owner or coowner, if a natural person, or (2) upon the termination of a trust or other fiduciary estate by reason of the death of any person, if held by the trustee or other fiduciary, except that if the trust or fiduciary estate is terminated only in part, redemption at par will be made to the extent of not more than the pro rata portion of the trust or fiduciary estate so terminated. Redemption will be made only following actual receipt of written notice of intention to redeem at par. Such notice must be given in time to be received in the ordinary course of mail by the Treasury Department, Division of Loans and Currency, Merchandise Mart, Chicago 54, Illinois, or a Federal Reserve Bank within six months after the date of death of the owner or coowner or person whose death results in the termination of the trust or other fiduciary estate, unless the period within which notice must be received is extended in accordance with the provisions of this paragraph. Proof of the date of death must be furnished and the bond must be surrendered to the same agency to which notice of intention to redeem at par is given, but they need not accompany such notice. Ordinarily, payment will be made as of the first day of the first month following by at least one full calendar month the date of receipt of notice, but payment may be postponed, upon request of the person presenting the bond, to the second interest payment date following the date of death, except as follows: if the period within which notice must be received is extended beyond such interest payment date, in accordance with the provisions of this paragraph, and notice received thereafter is accepted, payment may, upon request, be postponed to the next interest payment date following the date of receipt of notice. The period within which notice must be received may be extended in any particular case upon presentation of satisfactory proof that notice could not seasonably be given by reason of litigation or delay in the appointment of a legal representative of the estate or in the receipt of notice of death.

(d) *Withdrawal of request for redemption.* An owner who has presented and surrendered a savings bond to the Treasury Department or a Federal reserve Bank for payment with an appropriate request for payment may withdraw such request if notice of intent to withdraw is given to and received by the same agency to which the bond was presented, prior to the issuance of the check in payment. Under these same conditions an executor or administrator may withdraw a request for redemption executed by the owner and presented and surrendered to the Treasury Department or a Federal Reserve Bank prior to the owner's death, except where the presentation and surrender of the bond has cut off the rights of survivorship under the

provisions of Subpart L or Subpart M. The terms "presented and surrendered" as used in this paragraph mean the actual receipt of the bond by the Treasury Department or a Federal Reserve Bank during the lifetime of the owner.

SUBPART N—DECEASED OWNERS

§ 315.47 *Payment or reissue on death of owner.* Upon the death of the owner of a savings bond who was not survived by a co-owner or designated beneficiary and who had not during his lifetime presented and surrendered the bond to a Federal Reserve Bank or the Treasury Department for an authorized reissue, the bond will be considered as belonging to his estate and will be paid or reissued accordingly, as hereinafter provided, except that reissue under the provisions of this subpart will not be made to a creditor. In any case, reissue will be restricted to a form of registration permitted by the regulations in effect on the date of original issue of the bond, but the person entitled to the bond may hold it without change of registration and will have the right to payment before or at maturity. The provisions of this section shall also apply to savings bonds registered in the names of executors or administrators, except that proof of their appointment and qualification may not be required. Established forms for use in such cases and for requests for payment or reissue may be obtained from any Federal Reserve Bank or from the Treasury Department, Division of Loans and Currency, Merchandise Mart, Chicago 54, Illinois, and should be used in every instance.

(a) *In course of administration.* If the estate of the decedent is being administered in a court of competent jurisdiction, the bond will be paid to the duly qualified representative of the estate or will be reissued in the names of the persons entitled to share in the estate, upon request of the duly appointed and qualified representative of the estate and compliance with the following conditions:

(1) Where there are two or more legal representatives, all must unite in the request for payment or reissue, unless by express statute or decree of court, or by testamentary provision, some one or more of them may properly execute the request.

(2) The request for payment or reissue should be signed in the form, for example: "John A. Jones, administrator of the estate (or executor of the will) of Henry W. Jones, deceased", and must be supported by proof of the representative's authority in the form of a court certificate or a certified copy of the representative's letters of appointment issued by the court having jurisdiction. The certificate, or the certification to the letters, must be under seal of the court, and, except in the case of a corporate representative, must contain a statement that the appointment is in full force and should be dated within six months of the date of presentation of the bond, unless the certificate or letters show that the appointment was made within one year immediately prior to such presentation.

(3) In case of reissue the personal representative should certify that the persons named are entitled to share in the estate to the extent specified for each and have consented to such reissue. A request for reissue by an individual legal representative should be made on Form PD 1455 and a request by a corporate representative should be made on Form PD 1498. If a person in whose name reissue is requested desires to name a co-owner or beneficiary, such person should execute an additional request for that purpose, using Form PD 1787.

(b) *After settlement through court proceedings.* If the estate of the decedent has been settled in a court of competent jurisdiction, the bond will be paid to or reissued in the name of the person entitled thereto as determined by the court. The request for payment or reissue should be made by the person shown to be entitled and supported by duly certified copies of the representative's final account and the decree of distribution or other pertinent court records, supplemented, if there are two or more persons having an apparent interest in the bonds, by an agreement executed by them.

(c) *Without administration.* If no legal representative of the decedent's estate has been or is to be appointed and the amount of savings bonds belonging to the estate does not exceed $250 (maturity value), or if it is established to the satisfaction of the Secretary of the Treasury that the gross value of the personal estate of the decedent does not exceed $500 or that administration of the estate is not required in the State of the decedent's last domicile, the bond will be paid to or reissued in the names of the persons entitled, pursuant to an agreement and request by all persons entitled to share in the estate, executed on the form prescribed by the Treasury Department and supported by the evidence called for by such form. Application for the appropriate form to be used hereunder may be made to any Federal Reserve Bank or to the Treasury Department, Division of Loans and Currency, Merchandise Mart, Chicago 54, Illinois. The applicant should state whether or not the amount of bonds belonging to the decedent's estate is in excess of $250 (maturity value). If any of the persons entitled are minors or incompetents payment or reissue of a bond will not be permitted without administration, except to them or in their names unless their interests are otherwise protected to the satisfaction of the Secretary of the Treasury.

§ 315.50 *Reissue or payment to person entitled*—(a) *Distribution of trust estate in kind.* A savings bond to which a beneficiary of a trust estate has become lawfully entitled in his own right or in a fiduciary capacity, in whole or in part, under the terms of the trust instrument, will be reissued in his name to the extent of his interest as a distribution in kind upon the request of the trustee or trustees and their certification that such person is entitled and has agreed to reissue in his name. If the form in which the bond is registered does not show that it belongs to a trust estate, the request for reissue must be supported by satisfactory proof of ownership.

(b) *After termination of trust estate.* If the person who would be lawfully entitled to a savings bond upon the termination of a trust does not desire to have such distribution to him in kind, as provided in paragraph (a) of this section, the trustee or trustees should redeem the bond in accordance with the provisions of § 315.48 before the estate is terminated. If, however, the estate is terminated without such payment or reissue having been made, the bond will thereafter be paid to or reissued in the name of the person lawfully entitled upon his request and satisfactory proof of ownership, supplemented, if there are two or more persons having any apparent interest in the bond, by an agreement executed by all such persons.

(c) *Upon termination of guardianship estate.* A savings bond registered in the name of a guardian or similar legal representative of the estate of a minor or incompetent, if the estate is terminated during the ward's lifetime, will be reissued in the name of the former ward upon the representative's request and certification that the former ward is entitled and has agreed to reissue in his name, or will be paid to or reissued in the name of the former ward upon his own request, supported in either case by satisfactory proof that his disability has been removed. Certification by the representative that a former minor has attained his majority, or that the legal disability of a female ward has been removed by marriage, if the State law so provides, will ordinarily be accepted as sufficient, but if the disability is removed by court order a duly certified copy of the order will be necessary. Upon the death of the ward a bond registered in the name of his guardian or similar representative will be reissued in accordance with the provisions of Subpart N as though it were registered in the name of the ward alone.

(Sec. 22 (a), 55 Stat. 7, as amended; 31 U. S. C. and Sup. 757c)

[SEAL] A. L. M. WIGGINS,
Acting Secretary of the Treasury.

[F. R. Doc. 47-7212; Filed, July 31, 1947; 9:43 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Office of International Trade, Department of Commerce

Subchapter B—Export Control

[Amdt. 344]

PART 804—INDIVIDUAL LICENSES

MISCELLANEOUS AMENDMENTS

Section 804.1 is amended in the following particulars:

1. Paragraph (g) is amended to read as follows:

(g) No application for an export license shall be made unless and until the applicant has a firm order for the commodities covered by the application.

2. The following paragraph (h) is hereby added:

(h) If at any time a licensee does not hold firm orders received by him prior to the validation date of the license, and calling for an exportation which could be effected under that license, in an amount equal to, or in excess of, the unshipped balance permitted under the license such licensee shall return the license at once to the Office of International Trade for amendment to the quantity for which he holds such firm orders.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215, Pub. Law 145, 80th Cong., Pub. Law 188, 80th Cong.; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245)

Dated: July 29, 1947.

FRANCIS MCINTYRE,
Director,
Export Control Branch.

[F. R. Doc. 47-7215; Filed, July 31, 1947; 9:43 a. m.]

Chapter IX—Bureau of Foreign and Domestic Commerce, Office of Materials Distribution, Department of Commerce

[Allocations Reg. 2, as Amended July 31, 1947]

PART 945—REGULATIONS APPLICABLE TO THE OPERATION OF THE ALLOCATIONS AND EXPORT PRIORITIES SYSTEM

RESTRICTED EXPORT PREFERENCE ASSISTANCE

The fulfillment of requirements for the defense of the United States has created shortages in the supplies of certain materials and facilities for defense, for private account, and for export; and the following regulation is deemed necessary and appropriate in the public interest and to promote the national defense, and to effectuate the policies set forth in the Second Decontrol Act of 1947.

§ 945.40 *Allocations Regulation 2*—(a) *Purpose.* This regulation and its directions set forth the very limited scope of export preference assistance which will be granted in the future. Such assistance, when granted, will usually be in the form of authorizations to place orders with certificates entitling the orders to preference.

The issuance of authorizations to place certified export orders will in general be limited to assisting the procurement in this country of the minimum quantities of materials required to maintain or expand the production in foreign countries of materials critically needed in this country, and other cases where the export is of high public importance and essential to the successful carrying out of the foreign policy of the United States.

For the purpose of this regulation "certified order" or "certified export order" means a purchase or delivery order which is certified by the purchaser by use of the standard form of export preference certificate described in paragraph (b) (7) below, or by use of any other certificate authorized and entitled to preference under another OMD order, regulation or direction for export purposes.

(b) *Cases when certified orders may be authorized.* (1) If all the conditions of paragraph (b) (2) below are met, authorizations to place orders with an export preference certificate may be granted to permit the placing and filling of certified orders for procurement in this country of the minimum quantities of materials under the circumstances described below:

(i) Where required to expand or maintain the production in foreign countries of materials critically needed in the United States; but only if it is found the proposed action will not have an unduly adverse effect on the domestic economy of the United States;

(ii) Where the Secretary of State has certified that the prompt export of materials is of high public importance and essential to the successful carrying out of the foreign policy of the United States, but only if the Secretary of Commerce has satisfied himself that the proposed action will not have an unduly adverse effect on the domestic economy of the United States.

(2) When effective assistance of other kinds is not practicable (OMD may locate sources able to ship without preferential aid), an authorization to use an export preference certificate may be granted for specific items and quantities of materials in the limited classes of cases described in paragraph (b) (1) above, upon determination in each instance that all the following conditions are met:

(i) The use of substitute and less scarce materials is not practicable;

(ii) Reasonable efforts have been made to get the required item without assistance; and

(iii) Preference assistance is required to obtain the item by the latest date and in the minimum quantity practicable, after taking into consideration material already acquired and material available without assistance.

(c) *How to apply for an authorization to use an export preference certificate.* Application for an OMD authorization to use an export preference certificate for all destinations except Canada should be made by letter in quadruplicate, addressed to the Office of International Trade, Department of Commerce, Washington 25, D. C., Ref. AR–2. An application to the Office of International Trade for an export license for the materials must also be made, unless such a license is not required or unless a license has already been issued, as the Office of Materials Distribution will not authorize the use of an export preference certificate unless any necessary export license has been obtained. Application for such a certificate for Canadian destinations should be made directly to the Office of Materials Distribution, Department of Commerce, Washington 25, D. C., Ref. AR–2, also by letter in quadruplicate. Such applications should give the following information:

(1) Exact nature of applicant's business, i. e., manufacturing farm equipment, steel mill, etc.

(2) Exact description of the item for which assistance is required, stating (a) for materials the kind, quantity and unit of measure or (b) for equipment, the make, model, size, type, capacity, etc.

(3) The country of export destination, and the exact use to be made in that country of the item to be exported.

(4) Name of supplier and his present delivery promises, and his reasons for not promising satisfactory delivery dates. (Give the number and date of your purchase order.)

(5) Efforts made to obtain suitable substitutes or reasons why substitutes cannot be used.

(6) A full statement of the importance of making the export at this time from the standpoint of the interests of the United States.

(d) *How applications are granted.* If the application is granted, OMD will issue a written authorization to the applicant authorizing him to use an export preference certificate. He may then use the certificate described in paragraph (h) (7) below.

(e) *Expiration of priorities assistance for export issued before April 1, 1947.* All preference ratings assigned before April 1, 1947, by the Civilian Production Administration for materials to be exported expired on or before that date; and all certificates used on certified orders for materials for export which were required to be treated as rated orders under other CPA orders, regulations, or directions issued before April 1, 1947, also expired on or before that date, except those for tinplate continued in effect under Direction 1 to this regulation. In some instances, authorizations for the use of export preference certificates have been issued to continue the assistance.

(f) *Rules for acceptance and rejection of certified orders.* Every certified order must be accepted and filled regardless of existing contracts and orders except in the following cases:

(1) A person must not accept a certified order for delivery on a date which would interfere with delivery on other certified or rated orders which he has already accepted, or if delivery of the material ordered would interfere with delivery on an order which the Office of Materials Distribution or the Housing Expediter has directed him to fill for that material or for a product which he makes out of it.

(2) A person must not accept a certified order for delivery on a date which can be met only by using material which was specifically produced for delivery on

another certified order, and which is completed or is in production and scheduled for completion within 15 days.

(3) If a person, when receiving a certified order bearing a specific delivery date, does not expect to be able to fill it by the time requested, he must not accept it for delivery at that time. He must either (1) reject the order, stating when he could fill it, or (2) accept it for delivery on the earliest date he expects to be able to deliver, informing the customer of that date. He may adopt either of these two courses, depending on his understanding of which his customer would prefer.

(4) A certified order need not be (but may be) accepted in the following cases, but there must be no discrimination in such cases against certified orders, or between certified orders of different customers:

(i) If the person seeking to place the order is unwilling or unable to meet regularly established prices and terms of sale or payment (when a person authorized to place a certified order asks a supplier to quote his regularly established prices and terms of sale or payment or the earliest date on which he could make delivery on the certified order, the supplier must do so, except that if this would require detailed engineering or accounting work, he may give his best estimate without such work and state that it is not binding. However, the supplier need not quote if he is not required to accept the certified order and knows that he will not do so if he receives it. Any quotation as to delivery date to a person whose order has not been received will be subject to the effect on the supplier's deliveries of certified orders received by him after making the quotation and before he receives the firm order from the person making the inquiry).

(ii) If the order is for the manufacture of a product or the performance of a service of a kind which the person to whom the order is offered has not usually made or performed, and in addition if either (*a*) he cannot fill the order without substantially altering or adding to his facilities or (*b*) the order can readily be performed by someone else who has usually accepted and performed such orders.

(iii) If the order is for material which the person to whom the order is offered produces or acquires for his own use only, and he has not filled any orders for that material within the past two years. If he has, but the certified order would take more than the excess over his own needs, he may not reject the certified order unless filling it would interfere with other certified orders already on hand, or orders which the Office of Materials Distribution has directed him to fill, for the material or for a product which he makes out of it.

(iv) If filling the order would stop or interrupt his production or operations during the next 40 days in a way which would cause a substantial loss of total production or a substantial delay in operations.

(5) Any person who fails or refuses to accept an order bearing a certificate provided for under this regulation shall, upon written request of the person placing the order, promptly give his reasons in writing for his failure or refusal.

(6) Some orders or directions of the Office of Materials Distribution provide special rules as to the acceptance and rejection of orders for particular materials. In such cases, the rules stated above in this section are inapplicable to the extent that they are inconsistent with the applicable order or direction of the Office of Materials Distribution. In addition, the Office of Materials Distribution may specifically direct a person in writing to fill a particular purchase order or orders. In such cases he must do so without regard to any of the above rules in this paragraph (f), except that he may insist upon compliance with regularly established prices and terms of payment.

(7) *Certificates not effective for Government-owned surplus property.* The above rules in this paragraph (f) for the acceptance and rejection of certified orders, and in paragraph (i) below for the sequence of filling certified orders, do not apply to sales of surplus material by Government agencies. The certificates on certified orders have no effect either by way of obliging a Government agency to sell surplus property or by way of determining as among several buyers who shall get the surplus property.

(g) *Report to Office of Materials Distribution of improperly rejected orders.* When a certified order is rejected in violation of this regulation, the person who wants to place it may file a report of the relevant facts with the Office of Materials Distribution which will take such action as it considers appropriate after requiring an explanation from the person rejecting the order.

(h) *Description of certificates and how they are used*—(1) *How authorized.* The standard export preference certificate provided for under this regulation is described in (h) (7) below. Other orders or directions of the Office of Materials Distribution may also permit the use of other special forms of certificates entitled to preference, such as that for the use of the symbol CXS on certain orders for tinplate, described in Direction 1 to this regulation. The standard certificate described below and certificates entitled to preference under any other Office of Materials Distribution order or direction are of equal value and precedence. Authorizations to use the standard export preference certificate will be issued under the conditions described in this regulation. The use of other certificates will be authorized under the conditions stated in the Office of Materials Distribution order or direction under which they are issued, which may provide that they shall be treated as export preference certificates.

(2) *Materials or facilities obtainable with certificates.* A person authorized to use a certified order may use the certificates only to get the quantities and kinds of materials or services authorized, as provided in § 945.18 of Allocations Regulation 1.

(3) *How to use a certificate.* The certificate with a certified order must be filled in, signed and delivered to the supplier in accordance with the rules stated in Allocations Regulation 1, and with any special rules which may be stated in any other OMD order or direction permitting the use of any special form of certificate other than the standard export preference certificate.

(4) *Certificates not extendible.* A person receiving a certified order may not extend the certificate to any of his suppliers. If he is unable to fill the certified order without using a certificate to get some of the materials which he will need for that purpose, he may apply to OMD for an authorization to use a certificate for that purpose in accordance with this regulation.

(5) *Relation of certificates to preference ratings.* The certificate on a certified order, and RR (or CC) preference ratings assigned by CPA before April 1, 1947, and an RR rating assigned before July 1, 1947 by the Housing Expediter are equal in precedence, unless otherwise directed in writing by the Office of Materials Distribution.

(6) *Time limit on certificates.* An authorization to use an export preference certificate, or other certificate permitted under another OMD order or direction for export purposes and entitled to preference, expires if not used on an order accepted by a supplier within 6 months of the date the use of the certificate was authorized. (However, a certified order is valid until it is filled, if it is accepted by a supplier within the time limit provided by this paragraph.) If the holder of an authorization to use an export preference certificate has been unable to use it before its expiration, he may apply to OMD for renewal. Furthermore, the certificate may not be used, even though the time limit stated above has not lapsed, if the purpose for which use of the certificate was authorized no longer exists.

(7) *Form of standard export preference certificate.* The standard export preference certificate must be in substantially the following form:

EXPORT PREFERENCE CERTIFICATE

The undersigned certifies to the seller and to the OMD, subject to the criminal penalties of section 35 (a) of the U. S. Criminal Code, that he is authorized to use this certificate for the materials described, in accordance with OMD Allocations Regulation 2. My authorization number is ____ (insert the OMD authorization number).

(If the above certification has been used in accordance with this regulation before its amendment, containing reference to "CPA" instead of "OMD", its validity is not affected and the purchase order need not be recertified to make this change.)

(8) *Report to Office of Materials Distribution of improper delay of orders.* When delivery or performance of a certified order is unreasonable or improperly delayed, the customer may file a report of the relevant facts with the Office of Materials Distribution which will take such action as it considers appropriate after requiring an explanation from the person with whom the order is placed.

(i) *Sequence of filling certified orders.* (1) Every person who has certified orders on hand must schedule his operations, if possible, so as to fill each certified order by the required delivery or performance date (determined as explained in paragraph (j) below). If this is not possible for any reason, he must give precedence to all certified over uncertified orders.

(2) As between conflicting certified orders, precedence must be given to the order which was received first with the certificate. As between conflicting certified orders received on the same date, precedence must be given to the order which has the earlier required delivery or performance date.

(3) If a certified order or the certificate applicable to an order is cancelled when the supplier has materials in production to fill it, he need not immediately stop to put other certified orders into production if doing so would cause a substantial loss of total production. He may continue to process that material which he had put into production for the cancelled order to a stage of completion which would avoid a substantial loss of total production, but he may not incorporate any material which he needs to fill any certified order on hand. He may not, however, delay putting other certified orders into production for more than 15 days.

(j) *Delivery or performance dates.* (1) Every certified order must specify delivery or performance on a particular date or dates or within specified periods of not more than 31 days each, which in no case may be earlier than required by the person placing the order. Any order which fails to comply with this rule must be treated as an uncertified order. The words "immediately" or "as soon as possible", or other words to that effect, are not sufficient for this purpose.

(2) The required delivery or performance date, for purposes of determining the sequence of deliveries or performance pursuant to paragraph (i), shall be the date on which delivery or performance is actually required. The person with whom the order is placed may assume that the required delivery or performance date is the date specified in the order or contract unless he knows either (1) that the date so specified was earlier than required at the time the order was placed, or (2) that delivery or performance by the date originally specified is no longer required by reason of any change of circumstances. A delay in the scheduled receipt of any other material which the person placing the order requires prior to or concurrently with the material ordered, shall be deemed a change of circumstances within the meaning of the foregoing sentence.

(3) If, after accepting a certified order which specifies the time of delivery, the person with whom it is placed finds that he cannot fill it on time or within 15 days following the specified time, for any reason, he must promptly notify the customer, telling him approximately when he expected to be able to fill the order. Inability to fill the order on time or within fifteen days following the specified time does not authorize a supplier to cancel the order.

(k) *Appeals.* Any person who considers that compliance by himself or another with this regulation would work an exceptional and unreasonable hardship on him may appeal to the Office of Materials Distribution for relief.

(l) The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 31st day of July 1947.

OFFICE OF MATERIALS DISTRIBUTION,
By RAYMOND S. HOOVER,
Issuance Officer.

[F. R. Doc. 47-7288; Filed, July 31, 1947; 11:17 a. m.]

[Allocations Reg. 2, Direction 4]

PART 945—REGULATIONS APPLICABLE TO OPERATION OF THE ALLOCATIONS AND EXPORT PRIORITIES SYSTEM

USE AND EFFECT OF SYMBOL CXN ON CERTAIN EXPORT ORDERS FOR NITROGENOUS FERTILIZER MATERIALS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of nitrogenous fertilizer materials for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense and to effectuate the policies set forth in the Second Decontrol Act of 1947.

(a) *What this direction does.* This direction explains how persons who wish to get nitrogenous fertilizer materials for export to countries other than Canada can get permission to use the symbol CXN (Certified Export Nitrogenous Fertilizer Materials) on purchase orders for such materials. It also states how the symbol should be used and what its effect is.

(b) *How to get permission to use the symbol CXN.* All requests for permission to use the symbol CXN to get nitrogenous fertilizer materials should be made by letter to the Export Control Branch, Office of International Trade, Department of Commerce, Washington 25, D. C. Advice as to the conditions under which requests for permission to use the symbol CXN may be approved and the amounts recommended for allocation by the International Emergency Food Council, and agreed to by the representative of the U. S. on that Council, for export from the United States to various countries can be obtained from the Export Control Branch of the Office of International Trade. Permission to use the symbol CXN will not be given except when an export license is also given.

(c) *How to use the symbol CXN.* (1) When a person has been authorized in writing by the Office of International Trade, Department of Commerce to use the symbol CXN on purchase orders for specified quantities of nitrogenous fertilizer materials, he should place on his purchase order the symbol CXN, the export license number given by the Office of International Trade, and the country of destination. In addition he should furnish to his supplier a certificate, signed manually or as described in Allocations Regulation 1, in substantially the following form:

> I certify, subject to the penalties of Section 35A of the United States Criminal Code, that the nitrogenous fertilizer materials covered by this purchase order are within the quantity which the Office of International Trade, Department of Commerce, has authorized me to purchase by orders identified with the symbol CXN for shipment to the specified country of destination, under the export license number specified.

(2) The symbol CXN and the accompanying certificate may not be used except on purchase orders placed with producers of the specified nitrogenous fertilizer materials or with agents of such producers. When an order bearing the symbol CXN and the certificate is placed with a producer's agent, it has the same effect as though it had been placed with the producer.

(d) *Effect of the symbol CXN on purchase orders.* Any purchase order certified under this direction must be treated as a certified export order under Allocations Regulation 2, and must be accepted, scheduled, and delivered accordingly. The rules of Allocations Regulation 2 apply, except to the extent that this direction is inconsistent with these rules. Paragraph (e) below contains certain special rules which limit the effect of such certified orders under this direction.

(e) *Limitation on the effect of the symbol CXN on purchase orders*—(1) *Time limit on placing orders.* Unless otherwise directed by the Office of Materials Distribution, purchase orders certified under this direction must be placed no later than October 31, 1947. Orders placed after that date shall not be treated as certified orders.

(2) *Delivery dates.* No purchase order certified under this direction may call for delivery on or after January 1, 1948 of more than 40% of each type of nitrogenous fertilizer material covered by the order. Any purchase order which fails to meet this condition shall not be treated as a certified order.

(3) *Ceiling on orders on producers.* Unless otherwise directed by the Office of Materials Distribution a producer need not accept a purchase order certified under this direction for any of the following nitrogenous materials, if the amount of the material covered by the order, together with the amounts of that material covered by previously accepted orders certified under this direction, would exceed the specified percentage of his total production of that material in the year ended June 30, 1947:

Material:	*Percent*
Ammonium Sulphate	9
Ammonium Nitrate	16
Ammonium Phosphate	42
All other Nitrogenous Solids	4
All Nitrogenous Solutions	2

(f) *Delegation.* The Office of International Trade, Department of Commerce, may authorize the use of the symbol CXN under this direction on purchase orders for nitrogenous fertilizer materials, but only to the extent and under the conditions authorized by the Office of Materials Distribution, Department of Commerce in writing and transmitted to the Office of International Trade. The Office of International Trade may exercise this authority through such of its officials as the Director of that office may determine.

(g) *Appeals.* Any person who considers that compliance by himself or another with this direction would work an exceptional and unreasonable hardship on him may appeal to the Office of Materials Distribution for relief.

(h) *Assistance in finding suppliers.* If any person authorized to use the symbol CXN is unable to find a supplier who can accept his order, he may apply to the Priorities Division, Office of Materials Distribution which will, wherever possible, refer him to other suppliers who have available supplies.

(i) *Reports.* Producers of nitrogenous fertilizer materials must file with the Office of Materials Distribution, Department of Commerce, Washington 25, D. C., such reports

as may be required by that Office, with the approval of the Bureau of the Budget.

Issued this 31st day of July 1947.

OFFICE OF MATERIALS DISTRIBUTION,
By RAYMOND S. HOOVER,
Issuance Officer.

[F. R. Doc. 47-7289; Filed, July 31, 1947; 11:17 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service, Department of Agriculture

PARK 201—NATIONAL FORESTS

OTTAWA NATIONAL FOREST, MICHIGAN

CROSS REFERENCE: For revocation of Executive Order 2220, which enlarged the boundaries of the Ottawa National Forest, Mich., and which affects the tabulation in § 201.1, see Public Land Order 384, *infra.*

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 383]

OREGON

REVOKING PUBLIC LAND ORDER NO. 167 OF SEPTEMBER 15, 1943, WITHDRAWING PUBLIC LANDS FOR USE OF WAR DEPARTMENT AS A CAMP SITE

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943 it is ordered as follows:

Public Land Order No. 167 of September 15, 1943, withdrawing the hereinafter-described public lands for the use of the War Department as a camp site, is hereby revoked.

The jurisdiction over and use of such lands granted to the War Department by Public Land Order No. 167 shall cease upon the date of the signing of this order. Thereupon, the jurisdiction over and administration of such lands shall be vested in the Department of the Interior and any other Department or agency of the Federal Government according to their respective interests then of record.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on September 26, 1947. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from September 26, 1947, to December 26, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from September 6, 1947, to September 26, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on September 26, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on December 27, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from December 8, 1947, to December 27, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on December 27, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Roseburg, Oregon, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office, Roseburg, Oregon.

The lands affected by this order are described as follows:

WILLAMETTE MERIDIAN

T. 34 S., R. 1 E.,
Sec. 29, W½NE¼, NW¼, N½SW¼, SW¼SW¼, and N½SE¼;
Sec. 31;
Sec. 33, SE¼NW¼ and SW¼;
Sec. 35, SW¼SW¼, E½SW¼, and SE¼;

T. 35 S., R. 1 E.,
Sec. 1, lots 1 to 4, inclusive, SW¼NW¼ and SE¼SW¼;
Sec. 3, lots 1 to 4, inclusive, S½N½, E½SW¼, and SE¼;
Sec. 5, lot 4, S½N½, and SE¼;
Sec. 6, lot 4, and SE¼NE¼;
Sec. 7, lots 1 and 2, E½NW¼, and W½NE¼;
Sec. 8, SE¼NE¼, SW¼NW¼, and SW¼;
Sec. 9, E½ and NW¼;
Sec. 10, N½NW¼;
Sec. 11, S½SE¼;
Sec. 13, NW¼NE¼, N½NW¼, SW¼NW¼, S½SW¼ and SE¼SE¼;
Sec. 15, NE¼, E½NW¼, SW¼NW¼, and SW¼;
Sec. 17;
Sec. 18, NW¼SE¼ and S½SE¼;
Sec. 19, N½ and NE¼SE¼;
Sec. 20, E½, NW¼, and NE¼SW¼;
Sec. 21;
Sec. 22, SE¼;
Sec. 23, SW¼NE¼, W½, and SW¼SE¼;
Sec. 25;
Sec. 26, S½;
Sec. 27, E½, NW¼, N½SW¼, and SE¼SW¼;
Sec. 28, N½;
Sec. 29, NE¼;
Sec. 33, E½NE¼, SW¼, W½SE¼, and NE¼SE¼;
Sec. 34, N½NE¼ and SE¼NE¼;
Sec. 35, SE¼NE¼, W½NE¼, W½, and SE¼.

T. 36 S., R. 1 E.,
Sec. 1, lots 1, 2, and 4, S½NE¼, SE¼SW¼, and SE¼;
Sec. 3, N½SE¼;
Sec. 6, SE¼SE¼;
Sec. 9, W½NE¼, S½NW¼, and SW¼;
Sec. 14, SE¼SW¼ and S½SE¼;
Sec. 15, S½SE¼;
Sec. 17, E½;
Sec. 20, N½NE¼ and E½SE¼;
Sec. 21, E½NE¼, NW¼NE¼, W½, SW¼SE¼, and E½SE¼;
Sec. 22, N½NE¼, SW¼NE¼, and NW¼;
Sec. 23, E½, E½NW¼, SW¼NW¼, and SW¼;
Sec. 25;
Sec. 26, N½NE¼ and N½SW¼;
Sec. 35;

T. 34 S., R. 1 W.,
Sec. 25;
Sec. 26, SW¼SW¼;
Sec. 27, E½;
Sec. 34, NE¼NE¼ and E½SE¼;
Sec. 35.

T. 35 S., R. 1 W.,
Sec. 1, W½SE¼ and SE¼SE¼.

The areas described aggregate 16,891.51 acres.

The lands are mainly roling to rough broken hills, interspersed by some open rolling prairie-type land. Undeveloped areas have a native growth of open pine, fir and oak with undergrowths of mountain brush and grass. Soils are mainly clay loam with considerable rock and gravel.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

JULY 25, 1947.

[F. R. Doc. 47-7200; Filed, July 31, 1947; 8:46 a. m.]

[Public Land Order 384]

ARKANSAS

REVOKING EXECUTIVE ORDER NO. 2220 OF JULY 19, 1915, WITHDRAWING PUBLIC LANDS IN AID OF LEGISLATION

By virtue of the authority vested in the President by the act of June 25, 1910, 36 Stat. 847, as amended by the act of August 24, 1912, 37 Stat. 497 (U. S. C., Title

43, secs. 141–143), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Executive Order No. 2220 of July 19, 1915, withdrawing the hereinafter-described public land in aid of legislation, is hereby revoked.

Effective upon the signing of this order, the jurisdiction over such land for administrative purposes shall be vested in the Department of the Interior and any other department or agency of the Federal Government, according to their respective interests then of record.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on September 26, 1947. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from September 26, 1947, to December 26, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from September 6, 1947, to September 26, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on September 26, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on December 27, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from December 8, 1947, to December 27, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on December 27, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Bureau of Land Management, Washington 25, D. C., shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulaitons and applications under the small tract act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the Bureau of Land Management, Washington 25, D. C.

The lands affected by this order are described as follows:

FIFTH PRINCIPAL MERIDIAN

T. 10 N., R. 9 W.,
Sec. 17, SE¼SW¼.

The area described contains 40 acres.
The land is hilly in character and not adaptable to cultivation.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

JULY 25, 1947.

[F. R. Doc. 47–7201; Filed, July 31, 1947; 8:46 a. m.]

[Public Land Order 385]

ARIZONA

REVOKING PUBLIC LAND ORDER NO. 166 OF SEPTEMBER 15, 1943, WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT AS A GROUND TO GROUND GUNNERY RANGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Order No. 166 of September 15, 1943, withdrawing the public lands within the hereinafter-described areas for the use of the War Department as a ground to ground gunnery range, is hereby revoked.

The jurisdiction over and use of such lands granted to the War Department by Public Land Order No. 166 shall cease upon the date of the signing of this order. Thereupon, the jurisdiction over and administration of such lands shall be vested in the Department of the Interior and any other Department or agency of the Federal Government according to their respective interests then of record.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on September 26, 1947. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from September 26, 1947, to December 26, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C., secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from September 6, 1947, to September 26, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on September 26, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on December 27, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from December 8, 1947, to December 27, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on December 27, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Phoenix, Arizona shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office, Phoenix, Arizona.

The lands affected by this order are described as follows:

The public lands in the following-described areas:

GILA AND SALT RIVER MERIDIAN

T. 21 N., R. 16 W.,
Sec. 6, lots 1 to 6, inclusive, lots 9 to 12, inclusive, and S½NE¼.
T. 22 N., R. 16 W.,
Secs. 1 to 5, inclusive;
Secs. 8 to 11, inclusive;
Secs. 12, 13, and 14, those parts west of the westerly line of right-of-way of U. S. Highway No. 66;
Secs. 15, 16, and 17;
Sec. 18, lots 1, 2, 7, 8, 9, 10, 15, 16, and E½;
Secs. 19 to 22, inclusive;
Secs. 23, 26, and 27, those parts west of the westerly line of right-of-way of U. S. Highway No. 66;
Secs. 28 to 32, inclusive;
Secs. 33 and 34, those parts west of the westerly line of right-of-way of U. S. Highway No. 66.
T. 23 N., R. 16 W.,
Secs. 33 to 36, inclusive.

The area described, including both public and non-public lands, aggregate approximately 20,780 acres.

This land is non-agricultural, and is not irrigable. Except for scattered non-commercial pinions and junipers it is non-timbered. Vegetation is mostly a shrub-grass mixture. Principal species are salt bush, yucca, creosote bush, cacti, black grama and bunchgrass. Annuals include filaree and many flowering weeds which flourish during favorable seasons. The soil is sandy to gravelly, and the area as a whole is chiefly valuable for grazing.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

JULY 25, 1947.

[F. R. Doc. 47-7202; Filed, July 31, 1947; 8:46 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9421]

CARL W. HANSSEN

In re: Stock owned by and debt owing to Carl W. Hanssen. F-28-25747-A-1, F-28-25747-A-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl W. Hanssen, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Sixteen (16) shares of capital stock of Socony Vacuum Oil Company, Inc., 26 Broadway, New York, New York, a corporation organized under the laws of the State of New York, evidenced by Certificate Numbered C189636, presently in the custody of and registered in the name of Jesup & Lamont, 26 Broadway, New York 4, New York, together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation owing to Carl W. Hanssen, by Jesup & Lamont, 26 Broadway, New York 4, New York, in the amount of $27.71, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Carl W. Hanssen, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 47-7216; Filed, July 31, 1947; 9:41 a. m.]

[Vesting Order 9427]

MARIE MOELLER

In re: Stock owned by Marie Moeller. F-28-23334-A-1, F-28-23334-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Moeller, whose last known address is Brustrasse 50, Darmstadt, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Eighty (80) shares of no par value capital stock of Spring Valley Company, Ltd., 320 Market Street, San Francisco, California, a corporation organized under the laws of the State of California, evidenced by certificate number L 544, registered in the name of Marie Moeller and presently in the custody of The Bank of California, National Association, 400 California Street, San Francisco 20, California, together with all declared and unpaid dividends thereon, and any and all rights thereunder to proceeds of the liquidation of said Spring Valley Company, Ltd.,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 47-7217; Filed, July 31, 1947; 9:41 a. m.]

[Vesting Order 9430]

SHOWA MENKA K. K.

In re: Debts owing to Showa Menka K. K., also known as Showa Menka Kabushiki Kaisha. F-39-1631-C-1, F-39-1631-C-3, F-39-1631-C-4.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Showa Menka K. K., also known as Showa Menka Kabushiki Kaisha, the last known address of which is Osaka, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows:

a. All those debts or contractual obligations owing to Showa Menka K. K., also known as Showa Menka Kabushiki Kaisha, by J. Kahn & Co., Inc., 1203 Cotton Exchange Building, Dallas, Texas, including particularly but not limited to the amount of $36,954.38, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Showa Menka K. K., also known as Showa Menka Kabushiki Kaisha, by Crespi & Company, 1103 Cotton Exchange Building, Dallas 1, Texas, in the amount of $48.91, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation owing to Showa Menka K. K., also known as Showa Menka Kabushiki Kaisha, by Bunge Corporation, 80 Broad Street, New York 4, New York, in the amount of $402.92, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7218; Filed, July 31, 1947; 9:41 a. m.]

[Vesting Order 9436]

MARGUERITE H. WALLAU

In re: Bank account and stock owned by Marguerite H. Wallau, also known as Margaret H. Wallau. F-28-26531-A-1, F-28-26531-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marguerite H. Wallau, also known as Margaret H. Wallau, whose last known address is 10 Landgrafenstrasse, Berlin W. 62, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Marguerite H. Wallau, also known as Margaret H. Wallau, by National City Bank of New York, 55 Wall Street, New York 15, New York, arising out of an account numbered 74927, entitled Marguerite H. Wallau, maintained at the branch office of the aforesaid bank located at 42nd Street at Madison Avenue, New York 17, New York, and any and all rights to demand, enforce and collect the same,

b. One Hundred (100) shares of no par value capital stock of Consolidated Textile Corp., 86 Worth Street, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered NY119443, registered in the name of Mrs. Margaret H. Wallau, and presently in the custody of Thomas Roberts, 63 Wall Street, New York 5, New York, together with all declared and unpaid dividends thereon, and all rights under a plan of reorganization dated February 24, 1938, and

c. Thirty-three (33) shares of $5.00 par value common capital stock of Transcontinental & Western Air, Inc., 101 West 11th Street, Kansas City 6, Missouri, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered A50-688, registered in the name of Mrs. Marguerite H. Wallau, and presently in the custody of Thomas Roberts, 63 Wall Street, New York 5, New York, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7219; Filed, July 31, 1947; 9:42 a. m.]

[Vesting Order 9439]

BEHR & THIES

In re: Bank account owned by Behr & Thies. F-28-25145-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Behr & Thies, the last known address of which is Schauenburger Str. 44, Hamburg 1, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Hamburg, Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Behr & Thies, by Mississippi Valley Trust Company, 225 No. Broadway, St. Louis 2, Missouri, arising out of a current account entitled Behr & Thies, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 18, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7220; Filed, July 31, 1947; 9:42 a. m.]

[Vesting Order 9440]

MISS MARGRET BOVERI

In re: Bank account owned by Miss Margret Boveri. D-28-3307-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Miss Margret Boveri, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Miss Margret Boveri, by Chase National Bank of the City of New York, 18 Pine Street, New York 15, N. Y., arising out of a Special Checking Account, entitled Margret Boveri, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 18, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7221; Filed, July 31, 1947; 9:42 a. m.]

[Vesting Order 9441]

OSCAR BOTHNER MASCHINENFABRIK

In re: Debt owing to Oscar Bothner Maschinenfabrik. F-28-814-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Oscar Bothner Maschinenfabrik, the last known address of which is Leipzig, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Oscar Bothner Maschinenfabrik, by Ludwig Baer, 270 Madison Avenue, New York 16, N. Y., in the amount of $5,467.70, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 18, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7222; Filed, July 31, 1947; 9:42 a. m.]

[Vesting Order 9443]

KARL AND BERTA FELDBINDER

In re: Bank accounts owned by Karl Feldbinder and Berta Feldbinder. F-28-25251-E-1, F-28-25252-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Feldbinder and Berta Feldbinder, whose last known addresses are Berlin, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Karl Feldbinder, by Security-First National Bank of Los Angeles, 6th & Spring Streets, Los Angeles, California, arising out of a checking account entitled Karl Feldbinder, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Berta Feldbinder, by Security-First National Bank of Los Angeles, 6th & Spring Streets, Los Angeles, California, arising out of a checking account entitled Berta Feldbinder, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 18, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7223; Filed, July 31, 1947; 9:42 a. m.]

[Vesting Order 9444]

MARTHA GEBHARD

In re: Bank account owned by Martha Gebhard, also known as Martha Gebhardt, also known as Martha Offt Gebhard. F-28-8070-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Execu-

tive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Martha Gebhard, also known as Martha Gebhardt, also known as Martha Offt Gebhard, whose last known address is 24 Meldorferstrasse, Hamburg 20, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Martha Gebhard, also known as Martha Gebhardt, also known as Martha Offt Gebhard, by Security-First National Bank of Los Angeles, 110 So. Spring Street, Los Angeles, California, arising out of a Savings Account, account number 393466, entitled Martha Gebhardt, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 18, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7224; Filed, July 31, 1947; 9:42 a. m.]

[Vesting Order 9379]

AUGUSTE BIRKICHT

In re: Estate of Auguste Birkicht, deceased. File D-6-1128; E. T. sec. 10293.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Liselotte Drescher, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $300.00 was paid to the Alien Property Custodian by William F. Birkicht, Executor of the Estate of Auguste Birkicht, deceased;

3. That the said sum of $300.00 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on August 23, 1945, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 14, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7184; Filed, July 30, 1947; 8:57 a. m.]

[Vesting Order 9389]

MARTHA HEINTZ

In re: Stock owned by Martha Heintz. F-28-2323-D-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Martha Heintz, whose last known address is c/o Dresdner Bank, Frankfurt a. M., Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Five (5) shares of no par value common capital stock of Johns-Manville Corporation, 22 East 40th Street, New York, New York, a corporation organized under the laws of the State of New York, evidenced by certificate number 20212, registered in the name of Miss Martha Heintz, together with all declared and unpaid dividends thereon and all rights thereunder to additional shares of no par value common capital stock of said Johns-Manville Corporation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 14, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7185; Filed, July 30, 1947; 8:57 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[1828355]

OREGON

NOTICE OF FILING OF PLAT OF SURVEY ACCEPTED DECEMBER 16, 1942

JULY 25, 1947.

Notice is given that the plat of survey of lands hereinafter described will be officially filed in the District Land Office, Roseburg, Oregon, effective at 10:00 a. m. on September 26, 1947. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from September 26, 1947, to December 26, 1947, inclusive, the public lands affected by this notice shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283), subject to the requirements of applicable law, and (2) application under any applicable public-

land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from September 6, 1947, to September 26, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on September 26, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on December 26, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from December 6, 1947, to December 26, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on December 26, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Roseburg, Oregon, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Acting Manager, District Land Office, Roseburg, Oregon.

The lands affected by this notice are described as follows:

WILLAMETTE MERIDIAN

T. 9 S., R. 4 W.,
Sec. 14, lot 9;
Sec. 23, lots 10, 11 and 12.

The area described aggregates 61.41 acres.

The land referred to is an island in the Willamette River, Oregon.

The lands in sec. 23 are revested Oregon and California Railroad grant land subject only to such use and disposition as may be permissible under the act of August 28, 1937 (50 Stat. 874).

The land is generally level with approximately two-thirds of the soil a rich silt and the remainder sand and gravel. Parts were once cultivated and the vegetation consists chiefly of rose bushes, vines and cottonwood trees.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-7197; Filed, July 31, 1947; 8:45 a. m.]

[1828358]

CALIFORNIA

NOTICE OF FILING OF PLAT OF SURVEY ACCEPTED SEPTEMBER 6, 1945

JULY 24, 1947.

Notice is given that the plat of survey of lands hereinafter described will be officially filed in the District Land Office, Los Angeles, California, effective at 10:00 a. m. on September 25, 1947. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from September 25, 1947, to December 24, 1947, inclusive, the public lands affected by this notice shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from September 5, 1947 to September 25, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on September 25, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on December 24, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from December 4, 1947, to December 24, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on December 24, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Los Angeles, California, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Acting Manager, District Land Office, Los Angeles, California.

The lands affected by this notice are described as follows:

SAN BERNARDINO MERIDIAN

T. 8½ S., R. 3 E.,
Sec. 31, lots 1 to 8, inclusive;
Sec. 32, lots 1 to 8, inclusive;
Sec. 33, lots 1 to 8, inclusive;
Sec. 34, lots 1 to 8, inclusive;
Sec. 35, lots 1 to 8, inclusive;
Sec. 36, lots 1 to 8, inclusive.

The areas described aggregate 1,871.95 acres.

The lands involved are mountainous in character.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-7195; Filed, July 31, 1947; 8:45 a. m.]

[1832560]

UTAH

NOTICE OF FILING OF PLAT OF SURVEY ACCEPTED APRIL 5, 1943

JULY 24, 1947.

Notice is given that the plat of survey of lands hereinafter described will be officially filed in the District Land Office, Salt Lake City, Utah, effective at 10:00 a. m. on September 25, 1947. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from September 25, 1947, to December 24, 1947, inclusive, the public lands affected by this notice shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C.

secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from September 5, 1947, to September 25, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on September 25, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on December 24, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from December 4, 1947, to December 24, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on December 24, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Salt Lake City, Utah, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Acting Manager, District Land Office, Salt Lake City, Utah.

The lands affected by this notice are described as follows:

SALT LAKE MERIDIAN

T. 20 S., R. 16 E.,
Sec. 3, lot 15;
Sec. 10, lot 9.

The area described aggregates 42.52 acres.

The land referred to is an island in Green River, Utah. This island rises to a height of about ten feet, has a sandy loam soil and, with the exception of the cultivated portion, supports a growth of brush, scattered cottonwood and willow trees.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-7199; Filed, July 31, 1947; 8:45 a. m.]

[1913990]

MONTANA

NOTICE OF FILING OF PLAT OF SURVEY ACCEPTED AUGUST 17, 1945

JULY 24, 1947.

Notice is given that the supplemental plat of survey of lands hereinafter described will be officially filed in the District Land Office, Great Falls, Montana, effective at 10:00 a. m. on September 25, 1947. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from September 25, 1947, to December 24, 1947, inclusive, the public lands affected by this notice shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from September 5, 1947, to September 25, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on September 25, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on December 24, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous nonpreference-right filings.* Applications by the general public may be presented during the 20-day period from December 4, 1947, to December 24, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on December 24, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Great Falls, Montana, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Acting Manager, District Land Office, Great Falls, Montana.

The lands affected by this notice are described as follows:

PRINCIPAL MERIDIAN

T. 18 N., R. 1 W.,
Sec. 25, lot 8 (Island No. 3);
lot 9 (Island No. 2);
Sec. 26, lot 5 (Island No. 2);
lot 6 (Island No. 1);
Sec. 35, lot 11 (Island No. 1).

The areas described aggregate 77.19 acres.

The lands referred to are three islands in the Missouri River, Montana.

Lots 8 and 9, sec. 25 and lot 5, sec. 26 are subject to the Executive order of July 2, 1910, Power Site Reserve No. 9, as conformed November 14, 1945.

The lands are fairly level with sandy loam and gravelly loam soil supporting a scattered to dense growth of cottonwood trees with an undergrowth of willows, rose briers and buck brush. In places the undergrowth is very dense and near the south end of Island No. 1 there is a dense growth of swamp grass.

These islands are from six to fourteen feet above the median water line of the river and are characterized by well defined banks. The islands are said to be unoccupied, but a part of Island No. 1 appears to have been cultivated perhaps within the past ten years.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-7196; Filed, July 31, 1947; 8:45 a. m.]

[Misc. 2126544]

COLORADO

RESTORATION ORDER NO 1218 UNDER FEDERAL POWER ACT

JULY 23, 1947.

Pursuant to the determination of the Federal Power Commission (DA-250, 251, 252, Colorado) and in accordance with the Departmental regulations of August 16, 1946 (43 CFR § 4.275 (16), 11 F. R. 9080), it is ordered as follows:

The land hereinafter described, which was withdrawn for Power Site Classification No. 110 on June 24, 1925, is hereby opened to disposition under the public land laws, subject to the provisions of section 24 of the Federal Power Act of

June 10, 1920 (41 Stat. 1063), as amended by the act of August 26, 1935 (49 Stat. 846, 16 U. S. C. 818).

At 10:00 a. m. on September 24, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from September 24, 1947, to December 23, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from September 4, 1947, to September 23, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on September 24, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on December 24, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from December 4, 1947, to December 23, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on December 24, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Denver, Colorado, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Denver, Colorado.

The lands affected by this order are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN

T. 48 N., R. 17 W.,
Sec. 33, E½ (exclusive of patented mineral claims);
Sec. 34, W½ (exclusive of patented mineral claims).

The areas described aggregate approximately 640 acres.

This land, which is in Grazing District No. 4, lies in the breaks north of the San Miguel River, and is rough and broken, with a loam soil containing much rock.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-7203; Filed, July 31, 1947; 8:46 a. m.]

[1894297]

SOUTH DAKOTA

NOTICE OF FILING OF PLAT OF SURVEY ACCEPTED NOVEMBER 15, 1946

JULY 23, 1947.

Notice is given that the plat of dependent resurvey and survey of omitted lands hereinafter described will be officially filed in the District Land Office, Pierre, South Dakota, effective at 10:00 a. m. on September 24, 1947. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filing.* For a period of 90 days from September 24, 1947 to December 23, 1947, inclusive, the public lands affected by this notice shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from September 4, 1947 to September 24, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on September 24, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on December 23, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from December 3, 1947, to December 23, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on December 23, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Pierre, South Dakota, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Acting Manager, District Land Office, Pierre, South Dakota.

The lands affected by this notice are described as follows:

FIFTH PRINCIPAL MERIDIAN

T. 118 N., R. 55 W.,
Sec. 18, lot 6;
Sec. 19, lots 9 to 17, inclusive;
Sec. 30, lots 9 and 10.
T. 118 N., R. 56 W.,
Sec. 13, lot 2;
Sec. 24, lots 5, 6 and 7;
Sec. 25, lot 3.

The areas described aggregate 282.63 acres.

The land involved lies on a high rolling prairie and has a good agricultural soil.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-7198; Filed, July 31, 1947; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2796]

HUGHES TOOL CO. AND TRANSCONTINENTAL & WESTERN AIR, INC.

NOTICE OF HEARING

In the matter of transactions between Hughes Tool Company and Transcontinental & Western Air, Inc., and related matters.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 408 and 1001 of said act, that a hearing in the above-entitled proceeding is hereby assigned to be held on September 10, 1947, at 10:00 a. m., in Room No. 229, Federal Building, Los Angeles, California, before Examiner Edward T. Stodola.

The Board, by Order Serial No. E-289, dated February 7, 1947, ordered an investigation into certain transactions between Hughes Tool Company (Hughes Tool) and Transcontinental & Western Air, Inc. (TWA), evidenced by letter-agreement of January 8, 1947 between Hughes Tool and TWA; and the Board by Order Serial No. E-657, dated June 18, 1947, ordered that hearing be held to determine whether the transactions referred to in paragraph (1) of said Board's Order of Investigation of February 7, 1947, have resulted or will result in an acquisition of control of TWA for which Board approval is required, pursuant to section 408 of the Civil Aeronautics Act of 1938, as amended, and that hearing on the other issues raised by said order of February 7, 1947, be deferred pending the Board's decision on the aforesaid issue.

For further details on this investigation, interested parties are referred to: (a) Board's Order of Investigation, Serial No. E-289, dated February 7, 1947; (b) Board's Order Serial No. E-657, dated June 18, 1947; and (c) the Examiner's Prehearing Conference Reports of May 12, 1947 and June 16, 1947. Each of the foregoing documents is on file with the Dockets Section of the Civil Aeronautics Board.

Dated at Washington, D. C., July 28, 1947.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 47-7213; Filed, July 31, 1947; 9:43 a. m.]

FEDERAL POWER COMMISSION

[Docket No. IT-5519]

BONNEVILLE PROJECT

NOTICE OF REQUEST FOR APPROVAL OF RATES AND CHARGES FOR SALE OF POWER FROM BONNEVILLE PROJECT

JULY 23, 1947.

In the matter of Bonneville Project, Columbia River, Oregon-Washington.

Notice is hereby given that the Administrator of the Bonneville Project has filed with the Federal Power Commission for confirmation and approval, pursuant to the provisions of the Bonneville Act (50 Stat. 731), as amended, a revision of Wholesale Power Rate Schedule E-4 and section 14.1 of the General Rate Schedule Provisions.

Revised Wholesale Power Rate Schedule E-4 submitted for confirmation and approval reads as follows:

WHOLESALE POWER RATE SCHEDULE E-4

(Effective —— ——)

Availability. This schedule applies to at-site and transmission system firm power delivered to purchasers for resale and for irrigation and drainage pumping service.

Rate. Power shall be sold under this schedule at the following monthly rate applied separately to each separate electric system served, and within each system, separately to (1) power other than for irrigation and drainage pumping and (2) power for irrigation and drainage pumping:

Demand charge. 75¢ net per kilowatt of billing demand.

Energy charge. First 200 kilowatt-hours per kilowatt of billing demand at 2 mills net per kilowatt-hour. Additional kilowatt-hours at 1 mill net per kilowatt-hour.

Provided, That any separate billing shall not be less than 90% of the amount resulting from the application of the above charges to the entire requirements for the system or use to which the billing applies, and

Provided, further, That, for a development period extending until (1) four years after cessation of hostilities between the United States and Germany and Japan, or (2) three years after the date service is first rendered by the Administrator to a separate system, whichever is the later date, bills for power supplied to public bodies and cooperatives for other than irrigation and drainage pumping shall not exceed the higher of (1) 3.5 mills times the number of kilowatt-hours supplied or (2) 3.5 mills times 90% of the entire energy requirements of the system other than for irrigation and drainage pumping plus, in each case, any increase in demand charge due to power factor adjustment. The 90% in each of the above provisos shall be subject to an appropriate adjustment in any case in which a purchaser is compelled to generate or purchase energy because of inability to obtain it from the Administrator.

Billing demand. I. For power other than for irrigation and drainage pumping the billing demand under this rate schedule shall be the higher of the following demands:

(1) The highest measured demand for the billing period adjusted for power factor;

(2) 80% of the highest measured demand after adjustment for power factor during the preceding eleven months.

II. For power for irrigation and drainage pumping the billing demand under this schedule shall be the highest measured demand for the billing period adjusted for power factor. In the case of distributors purchasing power under this schedule for resale to ultimate consumers, separate metering of power resold for irrigation pumping and drainage pumping may be impractical. In this event the purchaser shall submit to the Administrator data as to the connected load, energy consumption, power factor and method of operation of the individual pumping installations, determined on the basis of suitable field tests. The measured demand energy consumption, and power factor of the combined pumping loads, with suitable allowances for losses between the point of supply and the point of delivery to ultimate consumers, shall be estimated on the basis of such data.

Irrigation and drainage pumping provision. Irrigation and drainage pumping power will be made available on a firm power basis during the period May 1 through September 30 of each year (which period is hereinafter called "The Special Pumping Rate Period"), and during such other periods as are specified in the purchaser's contract for service. Irrigation and drainage pumping power will also be made available during months not included within the Special Pumping Rate Period and in periods not specified in the contract, but such service may be restricted at the discretion of the Administrator for periods not exceeding a total of four hours in any one day. The Administrator will give such advance notice of any restriction as is practicable and will designate in advance the hours of the day when service to irrigation and drainage pumping power purchasers is subject to restriction.

The purchaser will be billed monthly for irrigation and drainage pumping power at the rate specified herein; *Provided,* That:

(1) The total charges for such power supplied during the Special Pumping Rate Period shall not exceed $6 per kilowatt of the maximum billing demand during the period May 1 through September 30.

(2) The demand charge for irrigation and drainage pumping power which is not delivered on a firm power basis shall be 50% of the demand charge specified herein.

The monthly demand charge and the number of kilowatt-hours in the first block of the energy charge will be prorated for the first and last billing periods during each calendar year on the basis of the number of days following commencement of service and preceding termination of service.

Notwithstanding any other provisions of this schedule, the Administrator may include in contracts with purchasers of irrigation and drainage pumping power a provision requiring a minimum annual charge for such power based on load factor. At the end of the calendar year the purchaser will be billed for any amount by which said required minimum annual charge exceeds the total previous billings for the year.

Special space heating provision. The total charges for power delivered for resale for electric space heating purposes shall not exceed 4.5 mills for kilowatt-hour. Bills will be rendered monthly without regard to this provision and will be adjusted for the 12-month period ending with June of each year as provided in section 14.1 of the General Rate Schedule Provisions.

Power factor adjustment. The measured demand, before adjustment for power factor, will be increased 1% for each 1% or major fraction thereof by which the average power factor is less than .95 lagging. This adjustment may be waived in whole or in part to the extent that the Administrator determines that a power factor of less than .95 would in any particular case be advantageous to the Government. Unless specifically otherwise agreed, the Administrator shall not be obligated to deliver power to the purchaser at any time at a power factor below .75.

Change to kilowatt-year rate schedule. Upon written application to the Administrator, any purchaser who has contracted for service under this rate schedule may change, under an appropriate new contract for the remainder of the original contract term, to the kilowatt-year schedule which is applicable subject to provisions of section 10.1 of the General Rate Schedule Provisions effective — —.

General provisions. Sales of power under this schedule shall be subject to the provisions of the Bonneville Project Act and the General Rate Schedule Provisions effective — —.

This schedule cancels Wholesale Power Rate Schedule E-3 except where such schedule is incorporated in existing contracts.

Revised section 14.1 of the General Rate Schedule Provisions proposes to make the general space heating provisions contained in the revised E-4 schedule available to all purchasers for resale. This change, the Administrator states, will make the space heating provisions applicable to a purchaser who resells power to another distributor to the extent that such a distributor sells such power to space heating customers.

Any person desiring to make comments or suggestions for Commission consideration with respect to the foregoing should submit the same on or before August 25, 1947, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-7194; Filed, July 31, 1947; 8:45 a. m.]